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EXAMINER
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ART UNIT	PAPER NUMBER
3622	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.	Applicant(s)
09/339,325	Shoham et al.
Examiner	Art Unit
John Young	3622

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ___3___ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *May 7, 2002* _____ .

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-7, 9-13, and 15-23* _____ is/are pending in the application.

    4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-7, 9-13, and 15-23* _____ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some* c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    *See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

    a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _16_

4) ☐ Interview Summary (PTO-413) Paper No(s). _____

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____

FINAL REJECTION

STATUS

1.   **Claims 1-7, 9-13 & 15-23 are pending.**

DRAWINGS

2.   This application has been filed with drawings that are acceptable for examination and publication purposes. The review process for drawings that are included with applications on filing has been modified in view of the new requirement to publish applications at eighteen months after the filing date of applications, or any priority date claimed under 35 U.S.C. §§119, 120, 121, or 365.

CLAIM REJECTIONS

NEW CLAIM REJECTIONS — 35 U.S.C. §103(a)

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office Action.

3.   Independent claims 1, 15 & 22 and dependent claims 2-7 & 23 are rejected under 35 U.S.C. §103(a) as being unpatentable over Franklin et al. 6,055,518 (04/25/2000) [f/d: 11/12/1996] (herein referred to as "Franklin") in view of Halbert 6,101,484 (08/08/2000) [US f/d: 03/31/1999] (herein referred to as "Halbert").

As per claim 1, <u>Franklin</u> (the ABSTRACT; FIG. 1; col. 2, ll. 21-36; col. 3, ll. 4-50;

col. 4, ll. 18-28; col. 5, ll. 5-12; col. 5, ll. 32-36; col. 6, ll. 38-42; col. 9, ll. 22-52; and col.

11, ll. 25-34) shows elements that suggest a "universal auction system having a

programmable auction server, the programmable auction server comprising: a plurality of

auction modules wherein at least one auction module corresponds to at least one function

of an auction selected from the group consisting of a bid verifier, an information manager,

a clearer, a registration manager . . . and a proxy bidder. . . ."

<u>Franklin</u> does not explicitly show "a proxy bidder. . . ."even though <u>Franklin</u> (col.

4, ll. 11-15) suggests "a proxy bidder."

It would have been obvious to a person of ordinary skill in the art of on-line

auctions that <u>Franklin's</u> *"identity of a . . . bidder [is] not revealed. . . ."* (See <u>Franklin</u> col.

4, ll. 11-15) would have been selected in accordance with "a proxy bidder. . . ." because

such security measures would have provided a means to optimize secrecy. (See <u>Franklin</u>

col. 4, ll. 11-15).

<u>Franklin</u> (col. 4, ll. 18-29; and col. 5, ll. 58-64) shows elements that suggest "a bid

transformer . . . the bid transformer <u>to</u> <u>implement</u> <u>at least</u> one of <u>a</u> predetermined <u>set of</u>

discriminating allocation market protocols."

<u>Halbert</u> (the ABSTRACT; FIGs. 3A, 3B, 3C, 3D, 3E and FIG. 6; col. 1, ll. 45-65;

col. 3, ll. 4-25; col. 5, ll. 10-67; col. 6, ll. 1-42; col. 7, ll. 22-35; col. 7, ll. 45-67; col. 8, ll.

1-60; and col. 9, ll. 10-30) shows elements that suggest "a bid transformer . . . the bid

transformer <u>to</u> <u>implement</u> <u>at least</u> one of <u>a</u> predetermined <u>set of</u> discriminating allocation

market protocols." In this instance, the Examiner interprets the disclosed "market

equilibrium manager" of Halbert as being equivalent to the "bid transformer" of the instant

invention.

Halbert proposes "bid transformer" modifications that would have applied to the

system of Franklin. It would have been obvious to a person of ordinary skill in the art at

the time of the invention to combine the disclosure of Halbert with the teachings of

Franklin because such combination would have provided means for *"instantaneous,*

accurate yield management decisions that often would encourage win-win price

reductions. The supplier wins by improving his overall yield based on volume, and the

buyer wins by getting a lower per unit price." (See Halbert (col. 2, ll. 20-25)).

As per claim 2, Franklin in view of Halbert shows the system of claim 1. (See the

rejection of claim 1 supra).

Franklin (the ABSTRACT; FIG. 1; col. 2, ll. 21-36; col. 3, ll. 4-50; col. 4, ll. 18-

29; col. 5, ll. 5-12; col. 5, ll. 32-36; col. 5, ll. 58-64 col. 6, ll. 38-42; col. 9, ll. 22-52; and

col. 11, ll. 25-34) shows elements that suggest "auction modules wherein at least one

auction specification module performs at least one transaction selected form the group

consisting of a bid verification transaction, an information management transaction, a

clearing transaction, a bid transformation transaction, and a registration transaction."

Franklin does not explicitly show "auction modules wherein at least one auction

specification module performs at least one transaction selected form the group consisting

of a bid verification transaction, an information management transaction, a clearing

transaction, a bid transformation transaction, and a registration transaction. . . ."even

though Franklin (the ABSTRACT; FIG. 1; col. 2, ll. 21-36; col. 3, ll. 4-50; col. 4, ll. 18-

29; col. 5, ll. 5-12; col. 5, ll. 32-36; col. 5, ll. 58-64 col. 6, ll. 38-42; col. 9, ll. 22-52; and

col. 11, ll. 25-34) suggests same.

It would have been obvious to a person of ordinary skill in the art of on-line

auctions that the disclosure of Franklin's (the ABSTRACT; FIG. 1; col. 2, ll. 21-36; col.

3, ll. 4-50; col. 4, ll. 18-29; col. 5, ll. 5-12; col. 5, ll. 32-36; col. 5, ll. 58-64 col. 6, ll. 38-

42; col. 9, ll. 22-52; and col. 11, ll. 25-34) would have been selected in accordance with

"auction modules wherein at least one auction specification module performs at least one

transaction selected form the group consisting of a bid verification transaction, an

information management transaction, a clearing transaction, a bid transformation

transaction, and a registration transaction. . . ." because such measures would have

provided means for implementing an on-line auction network. (See Franklin col. 2, ll. 1-3;

and col. 3, ll. 1-50).

As per dependent claim 3, Franklin in view of Halbert shows the system of claim 1

(See the rejection of claim 1 supra).

Franklin (FIG. 1; FIG. 2; col. 2, ll. 60-67; col. 3, ll. 1-2; col. 3, ll. 4-50; col. 4, ll.

35-50; col. 5, ll. 5-12; and col. 6, ll. 38-42) shows elements that suggest "a set of trading

primitives; a script interpreter for interpreting a temporal protocol script representing an

auction specification, the script including references to at least a portion of the set of

trading primitives; and means for switching an auction specification of one phase with an

auction specification of another phase."

Franklin does not explicitly show "means for switching an auction specification

of one phase with an auction specification of another phase. . . ." even though Franklin

(col. 3, ll. 4-50) suggests "means for switching an auction specification of one phase with

an auction specification of another phase. . . ."

It would have been obvious to a person of ordinary skill in the art of on-line

auctions that Franklin's *"auction typically consists of two phases. . . . At some point the*

bidding period is closed, thus initiating the second phase. . . ." (See Franklin col. 3, ll. 3-

10) would have been selected in accordance with "means for switching an auction

specification of one phase with an auction specification of another phase. . . ." because

such switching measures would have "guaranteed that no bid is revealed prior to the close

of the bidding period." (See Franklin col. 2, ll. 1-2).

As per dependent claim 4, Franklin in view of Halbert shows the system of claim 3

(See the rejection of claim 3 supra).

Franklin (FIG. 1; FIG. 2; col. 2, ll. 60-67; col. 3, ll. 1-2; col. 3, ll. 4-10) shows

elements that suggest "at least one auction module of one phase is replaced with at least

one auction module of another phase."

Franklin does not explicitly show "at least one auction module of one phase is replaced with at least one auction module of another phase. . . ." even though Franklin (FIG. 1; FIG. 2; col. 2, ll. 60-67; col. 3, ll. 1-2; col. 3, ll. 4-10) suggests "at least one auction module of one phase is replaced with at least one auction module of another phase."

It would have been obvious to a person of ordinary skill in the art of on-line auctions that Franklin's *"communications links and switching processors. . . ."* would have been selected in accordance with "at least one auction module of one phase is replaced with at least one auction module of another phase. . . ." because such switching measures would have provided means for a secure on-line auction network. (See Franklin col. 2, ll. 1-3).

As per dependent claim 5, Franklin in view of Halbert shows the system of claim 1 (See the rejection of claim 1 supra).

Franklin (col. 3, ll. 4-58) shows elements that suggest "at least one phase comprising an interval in which at least one transaction occurs, the transaction is selected from the group comprising submitting a bid, admitting a bid, withdrawing a bid, and replacing a bid."

Franklin does not explicitly show "replacing a bid. . . ." even though Franklin (col. 3, ll. 4-58) suggests "replacing a bid."

It would have been obvious to a person of ordinary skill in the art of on-line auctions that Franklin's *"insert a bid. . . ."* would have been selected in accordance with "replacing a bid. . . ." because such measures would have provided means for implementing an on-line auction network. (See Franklin col. 2, ll. 1-3; and col. 3, ll. 1-50).

As per dependent claim 6, Franklin in view of Halbert shows the method of claim 5 (See the rejection of claim 5 supra).

Franklin (col. 4, ll. 1-6; and col. 3, ll. 4-14) shows elements that suggest "wherein the phase is terminated by a condition."

Franklin does not explicitly show "wherein the phase is terminated by a condition. . . ." even though Franklin (col. 4, ll. 1-6; and col. 3, ll. 4-14) suggests "wherein the phase is terminated by a condition."

It would have been obvious to a person of ordinary skill in the art of on-line auctions that Franklin's (col. 4, ll. 1-6; and col. 3, ll. 4-14) *"Validity . . . conditions. . . ."* and *"two phases. . . ."* would have been selected in accordance with "wherein the phase is terminated by a condition. . . ." because such conditions would have facilitated complex on-line financial transactions, such as sealed bid auctions. (See Franklin col. 1, ll. 16-56).

As per dependent claim 7, Franklin in view of Halbert shows the method of claim 6 (See the rejection of claim 5 supra).

Franklin (col. 4, ll. 1-6; and col. 3, ll. 4-14) shows elements that suggest "wherein the condition is a time period."

Franklin does not explicitly show "wherein the condition is a time period. . . ." even though Franklin (col. 4, ll. 1-6; and col. 3, ll. 4-14) suggests same.

It would have been obvious to a person of ordinary skill in the art of on-line auctions that Franklin (col. 4, ll.1-6; and col. 3, ll. 4-14) *"Validity . . . conditions. . . .";* *"two phases. . . .";* and *"the end of the bidding period. . . ."* would have been selected in accordance with "wherein the condition is a time period. . . ." because such conditions would have facilitated complex on-line financial transactions, such as sealed bid auctions. (See Franklin col. 1, ll. 16-56).

As per claim 15, Franklin (the ABSTRACT; FIG. 1; col. 2, ll. 21-36; col. 3, ll. 4-50; col. 4, ll. 18-28; col. 5, ll. 5-12; col. 5, ll. 32-36; col. 6, ll. 38-42; col. 9, ll. 22-52; and col. 11, ll. 25-34) shows elements that suggest a "method of designing a universal auction system comprising: generating a plurality of auction modules in a programmable auction server, wherein at least one auction module corresponds to at least one function of an auction selected from the group consisting of a bid verifier, an information manager, a clearer, and a registration manager . . .

Franklin (col. 3, line 12) shows a *"deterministic rule. . . ."*

Franklin (col. 4, ll. 18-29; and col. 5, ll. 58-64) shows elements that suggest "implementing at least one transaction selected from the group consisting of a bid

verification, and a bid transformation, wherein the bid transformation is based upon one of

a predetermined set of discriminating allocation market protocols."

Franklin lacks an explicit recital of "implementing at least one transaction selected

from the group consisting of a bid verification, and a bid transformation, wherein the bid

transformation is based upon one of a predetermined set of discriminating allocation

market protocols. . . ." even though Franklin (col. 4, ll. 18-29; and col. 5, ll. 58-64)

suggests same.

Halbert (the ABSTRACT; FIGs. 3A, 3B, 3C, 3D, 3E and FIG. 6; col. 1, ll. 45-65;

col. 3, ll. 4-25; col. 5, ll. 10-67; col. 6, ll. 1-42; col. 7, ll. 22-35; col. 7, ll. 45-67; col. 8, ll.

1-60; and col. 9, ll. 10-30) shows elements that suggest "implementing at least one

transaction selected from the group consisting of a bid verification, and a bid

transformation, wherein the bid transformation is based upon one of a predetermined set

of discriminating allocation market protocols. . . ." In this instance, the Examiner

interprets the disclosed "market equilibrium manager" of Halbert as being equivalent to

the "bid transformer" of the instant invention.

Halbert proposes "bid transformer" modifications that would have applied to the

system of Franklin. It would have been obvious to a person of ordinary skill in the art at

the time of the invention to combine the disclosure of Halbert with the teachings of

Franklin because such combination would have provided means for *"instantaneous,*

accurate yield management decisions that often would encourage win-win price

reductions. The supplier wins by improving his overall yield based on volume, and the

buyer wins by getting a lower per unit price." (See <u>Halbert</u> (col. 2, ll. 20-25)).

As per claim 22, <u>Franklin</u> (the ABSTRACT; FIG. 1; col. 2, ll. 21-36; col. 3, ll. 4-50; col. 4, ll. 18-29; col. 5, ll. 5-12; col. 5, ll. 32-36; col. 5, ll. 58-64 col. 6, ll. 38-42; col. 9, ll. 22-52; and col. 11, ll. 25-34) shows elements that suggest "a programmable auction server which includes a bid transformer that implements arbitrarily established discriminating allocation market protocols specified by at least one trading primitive, a bid verifier that determines acceptable bids, and a script interpreter for interpreting script protocol; a market specification console, connected to the programmable auction server during a network interaction, adapted to support a plurality of discriminating allocation market protocols, and the market specification console includes a script generator for translating trading primitives to temporal protocol script."

<u>Franklin</u> does not explicitly show "a programmable auction server which includes a bid transformer that implements arbitrarily established discriminating allocation market protocols specified by at least one trading primitive, a bid verifier that determines acceptable bids, and a script interpreter for interpreting script protocol; a market specification console, connected to the programmable auction server during a network interaction, adapted to support a plurality of discriminating allocation market protocols, and the market specification console includes a script generator for translating trading primitives to temporal protocol script. . . ."even though <u>Franklin</u> (the ABSTRACT; FIG.

1; col. 2, ll. 21-36; col. 3, ll. 4-50; col. 4, ll. 18-29; col. 5, ll. 5-12; col. 5, ll. 32-36; col. 5,

ll. 58-64 col. 6, ll. 38-42; col. 9, ll. 22-52; and col. 11, ll. 25-34) suggests same.

Halbert (the ABSTRACT; FIGs. 3A, 3B, 3C, 3D, 3E and FIG. 6; col. 1, ll. 45-65;

col. 3, ll. 4-25; col. 5, ll. 10-67; col. 6, ll. 1-42; col. 7, ll. 22-35; col. 7, ll. 45-67; col. 8, ll.

1-60; and col. 9, ll. 10-30) shows elements that suggest "a programmable auction server

which includes a bid transformer that implements arbitrarily established discriminating

allocation market protocols specified by at least one trading primitive, a bid verifier that

determines acceptable bids, and a script interpreter for interpreting script protocol; a

market specification console, connected to the programmable auction server during a

network interaction, adapted to support a plurality of discriminating allocation market

protocols, and the market specification console includes a script generator for translating

trading primitives to temporal protocol script. . . ."

Halbert proposes "bid transformer" modifications that would have applied to the

system of Franklin. It would have been obvious to a person of ordinary skill in the art at

the time of the invention to combine the disclosure of Halbert with the teachings of

Franklin because such combination would have provided means for *"instantaneous,*

accurate yield management decisions that often would encourage win-win price

reductions. The supplier wins by improving his overall yield based on volume, and the

buyer wins by getting a lower per unit price. " (See Halbert (col. 2, ll. 20-25)).

As per dependent claim 23, <u>Franklin</u> in view of <u>Halbert</u> shows the system of claim

22 (See the rejection of claim 22 <u>supra</u>).

<u>Franklin</u> (the ABSTRACT; FIG. 1; col. 2, ll. 21-36; col. 3, ll. 4-50; col. 4, ll. 18-

29; col. 5, ll. 5-12; col. 5, ll. 32-36; col. 5, ll. 58-64 col. 6, ll. 38-42; col. 9, ll. 22-52; and

col. 11, ll. 25-34) shows elements that suggest "wherein the market specification console

is coupled to a programmable auction server in which the programmable auction server is

adapted to receive market protocols from the market specification console, the market

specification console having a graphic user interface."

<u>Franklin</u> lacks an explicit recital of "wherein the market specification console is

coupled to a programmable auction server in which the programmable auction server is

adapted to receive market protocols from the market specification console, the market

specification console having a graphic user interface. . . ." even though <u>Franklin</u> (the

ABSTRACT; FIG. 1; col. 2, ll. 21-36; col. 3, ll. 4-50; col. 4, ll. 18-29; col. 5, ll. 5-12; col.

5, ll. 32-36; col. 5, ll. 58-64 col. 6, ll. 38-42; col. 9, ll. 22-52; and col. 11, ll. 25-34)

suggests same.

"Official Notice" is taken that both the concept and the advantages of "wherein the

market specification console is coupled to a programmable auction server in which the

programmable auction server is adapted to receive market protocols from the market

specification console, the market specification console having a graphic user interface."

Said concept and advantages were well known and expected in the art by one of ordinary

skill at the time of the invention. It would have been obvious to include "wherein the

market specification console is coupled to a programmable auction server in which the

programmable auction server is adapted to receive market protocols from the market

specification console, the market specification console having a graphic user

interface. . . ." because such concepts and advantages would have provided means to

"facilitate the exchange of several hundred million shares of stock every business day."

(See Minton (col. 1, ll. 15-23)).

4.   Dependent claims 9-13 and 16-21 are rejected under 35 U.S.C. §103(a) as being

unpatentable over Franklin in view of Halbert and further in view of Minton 6,014,643

(01/11/2000) [f/d: 08/26/1996] (herein referred to as "Minton").

As per claim 9, Franklin in view of Halbert shows the system of claim 22 (See the

rejection of claim 22 supra).

Franklin (col. 3, line 12) shows a *"deterministic rule. . . ."*

Franklin does not explicitly show "the market specification console further

comprising a plurality of rules wherein at least one rule is user-modifiable."

Minton (FIG. 5, el. 516; FIG. 6, el. 628, and el. 610; FIG. 7; FIG. 10; and FIG.

11) shows elements that suggest "the market specification console further comprising a

plurality of rules wherein at least one rule is user-modifiable."

Minton proposes "user-modifiable" rule modifications that would have applied to

the on-line auction system of Franklin.   It would have been obvious at the time the

invention was made to a person having ordinary skill in the art to add the "user-

modifiable" rule modifications to <u>Franklin</u>, because addition of such modifications would have provided a means *"whereby individuals can buy and sell directly from each other. . . ."* (See <u>Minton</u> col. 2, ll. 46-57).

As per claim 10, <u>Franklin</u> in view of <u>Halbert</u> and further in view of <u>Minton</u> shows the system of claim 9 (See the rejection of claim 9 <u>supra</u>).

<u>Franklin</u> does not explicitly show "wherein rules comprise market protocols."

<u>Minton</u> (FIG. 5; FIG. 6; FIG. 7; FIG. 10; and FIG. 11) shows elements that suggest "wherein rules comprise market protocols."

<u>Minton</u> proposes market protocol modifications that would have applied to the on-line auction system of <u>Franklin</u>. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to add the market protocol modifications to <u>Franklin</u>, because addition of such modifications would have provided a means *"whereby individuals can buy and sell directly from each other. . . ."* (See <u>Minton</u> col. 2, ll. 46-57).

As per claim 11, <u>Franklin</u> in view of <u>Halbert</u> and further in view of <u>Minton</u> shows the system of claim 22 (See the rejection of claim 22 <u>supra</u>).

<u>Franklin</u> (FIG. 1; and col. 2, ll. 60-67) shows elements that suggest "a programmable auction server."

Franklin does not explicitly show "wherein the market specification console is coupled to a programmable auction server wherein said programmable auction server is adapted to receive market protocols from said market specification console, the market specification console having a graphic user interface (GUI)."

Minton (FIG. 1; FIG. 2; FIG. 3; FIG. 4; FIG. 5; FIG. 6; FIG. 7; FIG. 10; and FIG. 11) shows elements that suggest "wherein the market specification console is coupled to a programmable auction server wherein said programmable auction server is adapted to receive market protocols from said market specification console, the market specification console having a graphic user interface (GUI)."

Minton proposes market specification console modifications that would have applied to the on-line auction system of Franklin. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to add the market specification console modifications to Franklin, because addition of such modifications would have provided a means *"whereby individuals can buy and sell directly from each other. . . ."* (See Minton col. 2, ll. 46-57).

As per claim 12, Franklin in view of Halbert and further in view of Minton shows the system of claim 11 (See the rejection of claim 11 supra).

Franklin (FIG. 1; col. 2, ll. 60-67; and col. 3, ll. 1-3) shows elements that suggest "wherein a trader interface is coupled to a network."

Franklin does not explicitly show "wherein a trader interface is coupled to a

network. . . ." even though Franklin (FIG. 1; col. 2, ll. 60-67; and col. 3, ll. 1-3) suggests

"wherein a trader interface is coupled to a network."

It would have been obvious to a person of ordinary skill in the art of on-line

auctions that Franklin's (FIG. 1; col. 2, ll. 60-67; and col. 3, ll. 1-3) *"auction system 100*

. . . can be a network. . . ." would have been selected in accordance with "wherein a

trader interface is coupled to a network. . . ." because such a network would have

facilitated complex on-line financial transactions, such as sealed bid auctions. (See

Franklin col. 1, ll. 16-56).

As per claim 13, Franklin in view of Halbert and further in view of Minton shows

the system of claim 12 (See the rejection of claim 12 supra).

Franklin (col. 3, ll. 4-58) shows elements that suggest submitting a bid.

Franklin (FIG. 1; col. 2, ll. 60-67; and col. 3, ll. 1-3) shows elements that suggest

"a trader interface is coupled to a network."

Franklin does not explicitly show "a trader interface is coupled to a network. . . ."

even though Franklin (FIG. 1; col. 2, ll. 60-67; and col. 3, ll. 1-3) suggests same.

It would have been obvious to a person of ordinary skill in the art of on-line

auctions that Franklin's (FIG. 1; col. 2, ll. 60-67; and col. 3, ll. 1-3) *"auction system 100*

. . . can be a network. . . ." would have been selected in accordance with "a trader

interface is coupled to a network. . . ." because such a network would have facilitated

complex on-line financial transactions, such as sealed bid auctions. (See Franklin col. 1, ll. 16-56).

As per claim 16, Franklin in view of Halbert and further in view of Minton shows the system of claim 15 (See the rejection of claim 15 supra).

Franklin (col. 3, line 12) shows a *"deterministic rule. . . ."*

Franklin does not explicitly show "displaying a rule to a market designer."

Minton (FIG. 5, el. 516; FIG. 6, el. 628, and el. 610; FIG. 7; FIG. 10; and FIG. 11) shows elements that suggest "displaying a rule to a market designer."

Minton proposes rule display modifications that would have applied to the on-line auction system of Franklin. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to add the rule display modifications to Franklin, because addition of such modifications would have provided a means *"whereby individuals can buy and sell directly from each other. . . ."* (See Minton col. 2, ll. 46-57).

As per claim 17, Franklin in view of Halbert and further in view of Minton shows the system of claim 15 (See the rejection of claim 15 supra).

Franklin (col. 3, line 12) shows a *"deterministic rule. . . ."*

Franklin does not explicitly show "modifying at least one rule."

Minton (FIG. 5, el. 516; FIG. 6, el. 628, and el. 610; FIG. 7; FIG. 10; and FIG. 11) shows elements that suggest "modifying at least one rule."

Minton proposes rule modifications that would have applied to the on-line auction system of Franklin. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to add the rule modifications to Franklin, because addition of such modifications would have provided a means *"whereby individuals can buy and sell directly from each other. . . ."* (See Minton col. 2, ll. 46-57).

As per claim 18, Franklin in view of Halbert and further in view of Minton shows the system of claim 15 (See the rejection of claim 15 supra).

Franklin (col. 3, line 12) shows a *"deterministic rule. . . ."*

Franklin does not explicitly show "interpreting a scripted rule."

Minton (FIG. 5, el. 516; FIG. 6, el. 628, and el. 610; FIG. 7; FIG. 10; and FIG. 11) shows elements that suggest "interpreting a scripted rule."

Minton proposes rule modifications that would have applied to the on-line auction system of Franklin. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to add the rule modifications to Franklin, because addition of such modifications would have provided a means *"whereby individuals can buy and sell directly from each other. . . ."* (See Minton col. 2, ll. 46-57).

As per claim 19, Franklin in view of Halbert and further in view of Minton shows the system of claim 15 (See the rejection of claim 15 supra).

Franklin (col. 3, line 12) shows a *"deterministic rule. . . ."*

Franklin does not explicitly show "generating a scripted rule."

Minton (FIG. 5, el. 516; FIG. 6, el. 628, and el. 610; FIG. 7; FIG. 10; and FIG. 11)

shows elements that suggest "generating a scripted rule."

Minton proposes rule modifications that would have applied to the on-line auction system

of Franklin.   It would have been obvious at the time the invention was made to a person having

ordinary skill in the art to add the rule modifications to Franklin, because addition of such

modifications would have provided a means *"whereby individuals can buy and sell directly from*

each other. . . ." (See Minton col. 2, ll. 46-57).

As per claim 20, Franklin in view of Halbert and further in view of Minton shows the

system of claim 15 (See the rejection of claim 15 supra).

Franklin (FIG. 1; col. 2, ll. 60-67; and col. 3, ll. 1-3) shows elements that suggest "a

programmable auction server."

Franklin (col. 3, line 12) shows a *"deterministic rule. . . ."*

Franklin does not explicitly show "transmitting a rule to a programmable auction server."

Minton (FIG. 1; FIG. 2; FIG. 4; FIG. 5; FIG. 6; FIG. 7; FIG. 10; FIG. 11; and FIG. 12)

shows elements that suggest "transmitting a rule to a programmable auction server."

Minton proposes rule modifications that would have applied to the on-line auction system

of Franklin.   It would have been obvious at the time the invention was made to a person having

ordinary skill in the art to add the rule modifications to Franklin, because addition of such

modifications would have provided a means *"whereby individuals can buy and sell directly from each other. . . ."* (See Minton col. 2, ll. 46-57).

As per claim 21, Franklin in view of Halbert and further in view of Minton shows the system of claim 15 (See the rejection of claim 15 supra).

Franklin (col. 3, ll. 4-58) shows elements that suggest submitting a bid.

Franklin does not explicitly show "maintaining the status of bids."

Minton (FIG. 1; FIG. 2; FIG. 4; FIG. 5; FIG. 6; FIG. 7; FIG. 10; FIG. 11; and FIG. 12) shows elements that suggest "maintaining the status of bids."

Minton proposes bid status modifications that would have applied to the on-line auction system of Franklin. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to add the bid status modifications to Franklin, because addition of such modifications would have provided a means *"whereby individuals can buy and sell directly from each other. . . ."* (See Minton col. 2, ll. 46-57).

RESPONSE TO ARGUMENTS—MPEP 707.07(f)

5.   The following is an excerpt of MPEP 707.07(f): "Where the [A]pplicant traverses any rejection, the examiner should . . . take note of the [A]pplicant's argument and answer the substance of it."

Applicant's Response to Office Action arguments and request for reconsideration filed 05/07/2002 (paper #15) have been fully considered but they are not persuasive for the following

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reasons:

Applicant's arguments against the 35 U.S.C. §103(a) rejections of claims 1-7, 9-13 &15-23 have been considered but are moot in view of the new ground(s) of rejection based on Applicant's submission of an IDS (paper#16) which prompted new grounds of rejection.

As per claim 23, Applicant's arguments (filed 05/07/2002, paper #15) fail to present an appropriate challenge to the taking of Official/Judicial Notice because Applicant's arguments do not contain adequate information or argument to create on its face a reasonable doubt regarding the circumstances justifying the [Official/Judicial] notice." (MPEP 2144.03 (August 2001) p. 2100-129). Applicant has failed to specifically point out the supposed errors in the Examiner's action, which would include stating why the noticed fact is not considered to be common knowledge or well-known in the art.

Therefore, the "Official Notice" or common knowledge or well-known in the art statement concerning claim 23 is taken to be admitted prior art because Applicant's traversal is inadequate, and no further references in support of the official notice are required.

ACTION IS MADE FINAL

Applicant's submission of an information disclosure statement under 37 CFR 1.97© with the fee set forth in 37 CFR 1.17(p) on 5/31/2002 prompted the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP §

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609(B)(2)(I). Applicant is reminded of the extension of time policy as set forth in 37 CFR

1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR

1.136(a) will be calculated from the mailing date of the advisory action. In no event, however,

will the statutory period for reply expire later than SIX MONTHS from the mailing date of this

final action.

CONCLUSION

6.   Any response to this action should be mailed to:

> Box AF
>
> Commissioner of Patents and Trademarks
>
> Washington, D.C. 20231

Any response to this action may be sent via facsimile to either:

(703) 746-7239 or (703) 872-9314 (for formal communications EXPEDITED PROCEDURE) or

(703) 746-7239 (for formal communications marked AFTER-FINAL) or

(703) 746-7240 (for informal communications marked PROPOSED or DRAFT).

Hand delivered responses may be brought to:

Seventh floor Receptionist
Crystal Park V
2451 Crystal Drive
Arlington, Virginia.

Any inquiry concerning this communication or earlier communications from the examiner

should be directed to John L. Young who may be reached via telephone at (703) 305-3801. The

examiner can normally be reached Monday through Friday between 8:30 A.M. and 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,

Eric Stamber, may be reached at (703) 305-8469.

2451 Crystal Drive

Arlington, Virginia.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the Group receptionist whose telephone number is (703) 305-3900.

John L. Young

Patent Examiner

MELANIE A. KEMPER
PRIMARY EXAMINER

July 20, 2002